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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,248	07/01/2003	Donald J. Curry	D/A3009Q1	3357
<div>7590 OLIFF &amp; BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320</div>			<div>EXAMINER LAROSE, COLIN M</div>	
			<div>ART UNIT 2624</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/16/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,248	<b>Applicant(s)</b> CURRY ET AL.	
	<b>Examiner</b> Colin M. LaRose	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 August 2007 has been entered.

### ***Response to Amendments and Remarks***

2. Applicant's amendments to independent claims 1, 4, 7, and 10 are sufficient to overcome the previous rejections. Accordingly, the previous rejections thereto have been withdrawn. In addition the previous obviousness-type double patenting rejections have been withdrawn in view of Applicant's Terminal Disclaimer (dated 8/28/07), which has been approved.

### ***Specification***

3. The Specification is objected to for the following reasons:

(1) On page 27, the Specification refers to Figure 17, which has not been provided by the Applicant and is not a part of the originally filed Specification. Appropriate clarification and/or correction is required.

(2) Figure 17 is described as "a block diagram of the MRC Scale and Tile Tag Generation Module," depicted in figure 2. However, it appears that Figure 15 is also a block diagram of the MRC Scale and Tile Tag Generation Module even though in the Brief Description of the

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Drawings, Figure 15 is described as a block diagram of the "FG/BG Cleanup Module."

Appropriate clarification and/or correction is required.

(3) If Figure 15 does in fact depict the MRC Scale and Tile Tag Generation Module, then it is not clear to what the FG/BG Cleanup Module corresponds. Appropriate clarification and/or correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 4 (which is representative of the other independent claims 1, 7, and 10) does not appear to be supported by the Specification.

As best understood by the Examiner, the "sub-sampling module" is shown in detail in figure 15. It is disclosed as corresponding to the MRC Scale and Tile Tag Generator 44, as shown in figure 2.

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As best understood by the Examiner, the "selector module" encompasses sub-modules 62, 56, 200, and 66 in figure 3. This collection of sub-modules receives a control signal, SCM 22, and produces a threshold selector signal, Spk 122, based on the control signal SCM 22.

As best understood by the Examiner, the "edge processing module" corresponds to the Mark Edges module 58 shown in figure 3. It receives the selector signal Spk 122 and produces a decision signal See 142.

As best understood by the Examiner, the "foreground/background separation module" corresponds to the Scan MRC Separation module 64 in figure 3. It receives the decision signal See 142 and outputs a foreground signal Fgr 30 and a background signal Bgr 28. However, it does **not** appear to receive the sub-sampled rough foreground and the sub-sampled rough background signals, as claimed. Rather, the foreground 30 and background 28 signals produced by the foreground/background separation module 64 are sent to the MRC Scale and Tile Tag Generator module 44 (figure 2), shown in detail at figure 15, where they are sub-sampled to produce sub-sampled rough foreground and sub-sampled rough background signals (163 and 164, or perhaps 161 and 162). The MRC Scale and Tile Tag Generator module 44 outputs a foreground signal Fgd 48 and background signal Bgd 46 on the basis of the sub-sampled rough foreground and sub-sampled rough background signals.

Accordingly, it does not appear that Applicant has adequately disclosed or described that the "foreground/background separation module" receives the sub-sampled rough foreground and sub-sampled rough background signals, as claimed.

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Applicant is required to demonstrate support in the Specification for each and every limitation in at least claim 4 or amend the claims so that they are adequately supported by the Specification.

*Allowable Subject Matter*

6. Claims 1-12 would be allowable as is if Applicant is able to satisfy the above written description requirement pursuant to 35 U.S.C. § 112, 1st paragraph, by demonstrating the requisite support for the claims in the Specification.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner, can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Any inquiry of a general nature or relating to the status of this application or proceeding can also be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.



Colin M. LaRose  
Group Art Unit 2624  
14 October 2007